

PHILLIP A. TALBERT
United States Attorney
ANTONIO J. PATAKA
KATRINA BROWNSON
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER RENIERY CACERES,

Defendant.

CASE NO. 1:23-CR-00143-JLT-SKO

STIPULATION AND ORDER VACATING
STATUS CONFERENCE AND SETTING
CHANGE OF PLEA

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 20, 2024.
2. By this stipulation, defendant now moves to vacate the status conference, set a change of plea hearing on April 29, 2024, and exclude time between March 20, 2024, and April 29, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, photographs, videos, audio recordings, criminal history records, etc... All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant was appointed on or about July 19, 2023. As a result, counsel for defendant desires additional time consult with his client, review discovery, conduct research into potential pretrial motions, engage in pretrial plea negotiations, and prepare for the change of plea hearing.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 20, 2024 to April 29, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 13, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

1 Dated: March 13, 2024

/s/ DOUGLAS FOSTER

DOUGLAS FOSTER

Counsel for Defendant

WALTER RENIERY

CACERES

5 **ORDER**

6 IT IS SO ORDERED.

8 DATED: 3/13/2024

9 *Sheila K. Oberto*

10 THE HONORABLE SHEILA K. OBERTO
11 UNITED STATES MAGISTRATE JUDGE